

CITY OF GERMANTOWN
EMPLOYEE BENEFITS THIRD PARTY ADMINISTRATION SERVICES
ADDENDUM NO.2

The attached items on the above-named Project will be updated and adjusted (if required) by this Addendum No. 2 so as to reflect the revision to the Request for Proposal:

GENERAL NOTES:

Because this RFP information was posted on the City's website for everyone to download, it is the vendor's responsibility to notify the City that they wish to receive e-mail notifications for Addendums. Please send request via e-mail to Lpiefer@germantown-tn.gov . In the event that you do not receive an addendum or want to verify before you submit your proposal, all Addendum's will be posted on the City's "Doing Business- Bid Opportunities" page.

Specific Questions Relating to the "General Conditions" File:

1. Condition 20- Bidder considers provider-specific discount information to be proprietary and confidential. Given the Freedom of Information Act and other State of Tennessee code provisions, in what manner will this information be protected by the City of Germantown from open inspection by competing bidders following the award of the bid?

~~If acceptable with the vendor you may send the data to our third party consultant for his review only. ESPinc will consider a confidentiality agreement between ESPinc and the vendor, after it is reviewed by the City and the ESPinc attorney.~~

Answer: The City of Germantown, after further consultation with their attorney, withdraws their earlier statement on this question and substitutes the following:

Tennessee Secretary of State Rules and Regulations governing state purchases provide under Tenn. Comp. R. & Regs. 0620-03-03-.03(m) that all proposals and other material submitted in response to an RFP become subject to public record requirements of the state of Tennessee. Upon the completion of the review and evaluation of proposals submitted in response to an RFP, evaluated proposals and associated materials shall be open for review by the public in accordance with Tennessee Code Annotated, § 10-7-504(a)(7). It is the conclusion of the City attorney that any documents submitted to the City or any third party with which they contract related to the RFP process, would be subject to the open records law, once the award has been made.

All vendors are to note that certain information has been requested and that if that information is submitted it will be subject to the open records law. This does not in any way remove the need for the City to be able to view this information to make an informed decision about their choice of vendors. This choice remains solely with each individual vendor.

Specific Questions Relating to the “RFP Specifications” File:

6. Item 71, 72, and 73- Given the proprietary nature of the information requested and the limited ability to protect this information, would the City of Germantown consider completing a repricing analysis completed by a third party actuarial firm with the cost paid for by the winning bidder as a condition of the contract being awarded? Bidder is extremely concerned that providing the information in the requested form would expose highly confidential competitive intelligence to our competitors.

~~If acceptable with the vendor you may send the data to our third party consultant for his review only. ESPine will consider a confidentiality agreement between ESPine and the vendor, after it is reviewed by the City and the ESPine attorney.~~

Answer: The City of Germantown, after further consultation with their attorney, withdraws their earlier statement on this question and substitutes the following:

Tennessee Secretary of State Rules and Regulations governing state purchases provide under Tenn. Comp. R. & Regs. 0620-03-03-.03(m) that all proposals and other material submitted in response to an RFP become subject to public record requirements of the state of Tennessee. Upon the completion of the review and evaluation of proposals submitted in response to an RFP, evaluated proposals and associated materials shall be open for review by the public in accordance with Tennessee Code Annotated, § 10-7-504(a)(7). It is the conclusion of the City attorney that any documents submitted to the City or any third party with which they contract related to the RFP process, would be subject to the open records law, once the award has been made.

All vendors are to note that certain information has been requested and that if that information is submitted it will be subject to the open records law. This does not in any way remove the need for the City to be able to view this information to make an informed decision about their choice of vendors. This choice remains solely with each individual vendor.

General Conditions Sheet in Bid Specifications File:

10. Each proposal will be signed by an individual authorized to do so, using the forms provided, authorizing the proposed price through December 31, 2013. Is City of Germantown requesting the proposed offer be valid until 12/31/13?

Answer: Yes-The City is attempting to bring all of the facets of the self-funded program to a common effect date. Note that they are also asking for firm rates for the following two calendar years, 2014 and 2015.

12. Any rating information altered or substituted for that provided must be approved by The Employer or their authorized representative. Can you clarify this statement?

Answer: You must use the census provided and any other data provided that is used by the vendor to develop rates. If that data changes after the award the City understands that total costs may vary based solely on the change in exposure.

21. The quoting company understands that if a completed application is submitted prior to the award, it will be dated and sent to ESPINC for review before The Employer executes the document. Can you clarify this statement?

Answer: Any document from a vendor requiring a signature by the City before or after the award must be reviewed by the City and anyone they deem to have specialized knowledge before the City will sign the document. This does not obligate the City to sign anything.)

32. It is understood that The Employer will not assign markets. The Employer will sign the first completed application for each company that is submitted to them based on the information distributed at the original release. Can you clarify what assigning markets means?

Answer: The City has not assigned carriers or vendors to any particular agent or broker. If a vendor chooses to offer a product through more than one source, the City will sign the first completed application submitted. This does not include signing Agent of Record letters. The City will not sign such a document. This also does not obligate the City to use an agent or broker. There is strict language in the RFP regarding this issue that must be followed.

Introduction Sheet in Bid Specifications File

We cannot read (a.), (b.), or (c.) on the Introduction sheet. Can we see those statements?

Answer:

- (a.) If a statute, ordinance, resolution, rule or regulation mandates the use of competitive bidding of any kind or nature whatsoever, by any state agency, county or municipal corporation, then, notwithstanding such law, ordinance, resolution, rule or regulation, no addenda within less than forty-eight (48) hours of the bid opening date shall be permitted.
- (b.) Any questions concerning the bid documents must be received by the designer no less than ninety-six (96) hours before bid opening date.
- (c.) This section shall not apply to the department of transportation contracts or any state or local agency contracts funded in whole or in part with the state or federal highway funds.

Corporate Data Sheet in Bid Specifications File

This is completely locked and cannot be edited. Can we get an unlocked file?

Answer: This file is not to be completed electronically. It should be printed and filled out. If you need to make additions you must note them in an exception section at the end of the document.

In some cases, the above items may be clarifications and further explanations of the Specifications in the Request for Proposal. However, any changes to the Specifications will be incorporated in the Contract Documents for this Project. All CONTRACTORS must acknowledge receipt of this Addendum No. 2 on **the attached Addendum Acknowledgement form** when submitting a PROPOSAL for consideration.

Lisa A. Piefer
Lisa A. Piefer

November 28, 2012
Date Purchasing Officer

ADDENDA ACKNOWLEDGEMENT FORM

Proposer acknowledges receipt of the following addenda (as applicable):

Addendum No. 1 _____ Dated _____

Addendum No. 2 _____ Dated _____

Addendum No. 3 _____ Dated _____

Addendum No. 4 _____ Dated _____

Addendum No. 5 _____ Dated _____

Addendum No. 6 _____ Dated _____

(Name of Proposer)

By: _____

Title: _____